Conference on Disarmament

20 June 2014

Original: English

Note verbale dated 17 June 2014 from the Permanent Mission of Ireland addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the text of the paper entitled "Applying the principle of transparency in nuclear disarmament" submitted by Brazil on behalf of the New Agenda Coalition to the Second Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[1]

The Permanent Mission of Ireland to the United Nations Office and other international organizations based in Geneva presents its compliments to the Secretary-General of the Conference on Disarmament, and has the honour to transmit herewith the English language version of the paper entitled "Applying the principle of transparency in nuclear disarmament" submitted by Brazil on behalf of the New Agenda Coalition to the Second Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

The Permanent Mission of Ireland would appreciate it if the paper could be issued as an official document of the Conference on Disarmament and distributed to all member States and non-member participants of the Conference.

[1] Previously issued as document of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons under symbol NPT/CONF.2015/PC.II/WP.26 of 15 April 2013 as attached.

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Applying the principle of transparency in nuclear disarmament

Working paper submitted by Brazil on behalf of Egypt, Ireland, Mexico, New Zealand and South Africa as members of the New Agenda Coalition

Introduction

1. All States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including the nuclear-weapon States, have committed to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

2. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties agreed on a number of practical steps for systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament". These steps included an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and agreement to apply the principle of irreversibility to nuclear disarmament, nuclear and other related arms control and reduction measures.

3. The Final Document of the 2000 Review Conference called for increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

4. The 2010 Review Conference reaffirmed the principles of transparency, irreversibility and verifiability, which would build increased confidence and trust and would contribute to sustainable disarmament.

5. Transparency has become closely associated with accountability. Actions related to transparency are not only central for the credibility of any disarmament measures but also to measure compliance with the Treaty. Transparency efforts constitute a learning process in which confidence grows and facilitates further steps.

6. This paper examines the Treaty's transparency and confidence-building measures as they apply to the nuclear-weapon States, given those States' particular responsibilities with regard to nuclear disarmament and the specific reporting obligations accorded to them by the action plan adopted by the 2010 Review Conference. Existing obligations, commitments and undertakings on transparency, as well as the New Agenda Coalition's previous proposals to enhance transparency in nuclear disarmament, are included in the annex.

Status of transparency and confidence-building measures taken by the nuclear-weapon States

7. In 1995, the nuclear-weapon States began providing varying levels of data regarding their national implementation of article VI to the review process of the Treaty. Even though this reporting signals a positive development towards greater transparency, it is incomplete, has not been standardized and is not subject to verification.

8. Information available on nuclear weapons differs greatly between the nuclear-weapon States. A special concern regarding lack of transparency involves warheads that are not covered by any control regime. For example, information on the stockpile of tactical nuclear weapons is not available.

9. No institutional mechanism exists to monitor the nuclear-weapon States on the implementation of their disarmament obligations. While several of the nuclear-weapon States disclose information about their reductions, the amount, nature and type of information provided to date complicates assessment.

10. With the exception of one nuclear-weapon State, all other nuclear-weapon States have made statements or issued documents providing some details of their nuclear weapon holdings or have released information on the basis of which these holdings can only be estimated. However, there is no common format for this information, which complicates comparative assessments. The nuclear-weapon States have yet to agree on a standard reporting form and determine appropriate reporting intervals, as outlined in action 21 of the 2010 action plan.

11. The five nuclear-weapon States have been meeting to discuss some aspects of the implementation of the 2010 action plan. These interactions are reported to have been focused on transparency, nuclear doctrines and verification, recognizing that such measures are important for establishing a firm foundation for further disarmament efforts. They have announced the creation of a working group that would pursue work on a glossary of key nuclear terms in order to facilitate future consultations and discussions. These meetings among the nuclear-weapon States are a welcome development, since they correspond to commitments agreed at the 2010 Review Conference. It is not yet clear whether these meetings have been productive in enhancing confidence among the five nuclear-weapon States and how this will contribute to generating confidence between the nuclear-weapon States and the non-nuclear-weapon States.

12. Step 12 of the 13 practical steps for the implementation of article VI, adopted by the 2000 Review Conference, calls for regular reports by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 decision. In addition, action 20 calls upon all States parties to submit regular reports on their implementation of the action plan.

13. In line with action 21, the United Nations Office for Disarmament Affairs has set up a website to function as a repository for information provided by the nuclear-weapon States in accordance with the 2010 action plan. No information has yet been provided. Action by the nuclear-weapon States is required to give the repository substance.

14. The New Agenda Coalition believes that these are issues that the 2015 Review Conference should address substantively.

Way forward: transparency in nuclear disarmament

15. The 2000 Review Conference agreed on practical steps for systematic and progressive efforts to implement article VI (the 13 practical steps). Among these steps, the Final Document of the 2000 Review Conference called for increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament. The 2010 Review Conference reaffirmed the principles of transparency, irreversibility and verifiability, which would build increased confidence and trust and would contribute to sustainable disarmament. Building on the 13 practical steps, action 5 of the 2010 action plan was agreed.

16. Transparency is needed to enhance confidence not only among the nuclear-weapon States but also between the nuclear-weapon States and the non-nuclear-weapon States. Action 5 of the 2010 action plan therefore calls upon the nuclear-weapon States to report on the implementation of the undertakings contained therein to the Preparatory Committee in 2014. The 2015 Review Conference will take stock of such measures and consider the next steps for the full implementation of article VI.

17. There is a need for further clarity on the baseline that will be used to measure progress being achieved. As the existing information provided by the nuclear-weapon States is uneven, the report to the Preparatory Committee in 2014 presents a good opportunity to harmonize it.

18. When reporting on the implementation of action 5 and in order to give effect to the principle of transparency, the New Agenda Coalition considers that the 2014 reports from the nuclear-weapon States should include, as a minimum, the following information:

Action 5 (a): information should be provided in order that all States parties can understand the baseline from which the nuclear-weapon States are reducing their warheads, and how much progress is being achieved. In this regard, all nuclear-weapon States should disclose official data on the total size of their nuclear stockpile and delivery systems. Second, they should inform States parties of the numbers of nuclear warheads and delivery systems being eliminated under article VI. Third, all nuclear-weapon States could report on the plans for the further elimination of nuclear weapons and delivery vehicles;

Action 5 (b): information is needed on the actions taken to address the question of all types and locations of nuclear weapons. In this regard, all nuclear-weapon States should provide full aggregate and relevant disaggregate numbers;

Action 5 (c): all the nuclear-weapon States should include information on how the role and significance of nuclear weapons in their military and security concepts, doctrines and policies has been further diminished since 2010;

Action 5 (d): all the nuclear-weapon States should report on measures and policies discussed to prevent the use of nuclear weapons and lead to their elimination;

Action 5 (e): all the nuclear-weapon States should include information on the actions taken to reduce their nuclear warheads' operational status and address relevant de-alerting issues;

Action 5 (f): all the nuclear-weapon States should provide information on the steps that they have taken to reduce the risk of accidental use of nuclear weapons;

Action 5 (g): all the nuclear-weapon States should provide information on the actions taken to further enhance transparency and increase mutual confidence, not only among the nuclear-weapon States, but also between the nuclear-weapon States and the non-nuclear-weapon States.

19. The five nuclear-weapon States have been meeting regularly to discuss some aspects of the implementation of the action plan and should provide more substantive information on the outcomes of their meetings.

20. At the 2015 Review Conference, all the nuclear-weapon States should commit to annually submit accurate, complete and comprehensive reports on their nuclear arsenals, weapons-grade highly enriched uranium and plutonium stockpiles and production histories, in addition to material irreversibly removed from nuclear weapons programmes.

21. The above information should be submitted to the United Nations Office for Disarmament Affairs and published on the website that it has set up to function as a

repository for information provided by the nuclear-weapon States, as outlined in action 21 of the 2010 action plan.

22. In addition to enhancing transparency on the implementation of action 5, the nuclear-weapon States are encouraged to take further measures aimed at instilling confidence in the implementation of their nuclear disarmament obligations under article VI.

23. Finally, as transparency is a principle applicable to all States parties, States that are part of military alliances that include the nuclear-weapon States should report, as a significant transparency and confidence-building measure, on steps taken or future steps planned to reduce and eliminate the role of nuclear weapons in collective security doctrines.

Annex

Existing obligations, commitments and undertakings in relation to transparency

2010 action plan

- Action 1: All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

- Action 2: All States parties commit to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations.

- Action 5: The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia:

(a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3;

(b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;

(c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

(d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

(e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;

(f) Reduce the risk of accidental use of nuclear weapons; and

(g) Further enhance transparency and increase mutual confidence.

The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI.

- Action 19: All States agree on the importance of supporting cooperation among Governments, the United Nations, other international and regional organizations and civil society aimed at increasing confidence, improving transparency and developing efficient verification capabilities related to nuclear disarmament.

- Action 20: States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament",

and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

- Action 21: As a confidence-building measure, all the nuclear-weapon States are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General of the United Nations is invited to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon States.

2000 Review Conference

- Step 9 of the 13 practical steps for the implementation of article VI, adopted by the 2000 Review Conference, calls for increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

- Step 12 calls for regular reports by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

1995 Review and Extension Conference

- In paragraph 7 of decision 1, entitled "Strengthening the review process for the Treaty", the Conference agrees that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.

- In the preamble of decision 2, entitled "Principles and objectives for nuclear non-proliferation and disarmament", it is ruled that nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated periodically within the review process provided for in article VIII, paragraph 3, of the Treaty (every five years).

- In the third paragraph of decision 2, related to nuclear disarmament, it is recalled that nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

Previous proposals by the New Agenda Coalition to enhance transparency in nuclear disarmament

The New Agenda Coalition has consistently outlined possible actions that the States parties to the Treaty could take to ensure the application of the principle of transparency. In particular, in working papers NPT/CONF.2005/WP.27 and NPT/CONF.2010/WP.8, the Coalition has called for the following specific actions:

- The nuclear-weapon States should undertake, as early and interim steps towards nuclear disarmament, to demonstrate greater transparency with regard to their nuclear arsenals and fissile material inventories.

- The nuclear-weapon States should take further action towards increasing their transparency and accountability with regard to their nuclear weapon arsenals and their implementation of disarmament measures, and are obliged to report as agreed in step 12 at the 2000 Review Conference.

The New Agenda Coalition's transparency advocacy since 2010

In its working papers presented to the Preparatory Committee in 2012 (NPT/CONF.2015/PC.I/WP.29 and NPT/CONF.2015/PC.I/WP.30), the Coalition underlined the following points in relation to the transparency obligations of the 2010 action plan:

- Information released by some nuclear-weapon States on their nuclear arsenals and the progress made towards the implementation of New START represent important confidence-building measures. While the recent initiative of the five nuclear-weapon States to engage on these matters is a welcome development, no information regarding the efforts of the nuclear-weapon States towards enhancing transparency and increasing mutual confidence has been made available.

- In the 2010 action plan pertaining to nuclear disarmament, nuclear-weapon States agreed to three specific undertakings regarding reporting on nuclear disarmament. They were called upon to report to the 2014 session of the Preparatory Committee for the 2015 Review Conference on concrete progress made on the steps leading to nuclear disarmament. They were also encouraged to agree as soon as possible on a standard reporting form and to determine the appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. Furthermore, they were required — among all States parties — to submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the 2010 action plan. Regarding the latter two undertakings, limited progress has been made so far.

- It is particularly important that the nuclear-weapon States engender confidence in their commitment to implement their undertakings, including through enhanced transparency measures. In this context, the 2010 Review Conference reaffirmed the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference. Accordingly, the nuclear-weapon States are expected to promptly engage with a view to accelerating concrete progress on these steps, including through the measures outlined in action 5. The nuclear-weapon States are urged to report regularly and substantively on progress made in the implementation of action 5, and indeed on the other elements of the action plan.

- The nuclear-weapon States are called upon to give effect to action 21 of the 2010 action plan by agreeing as a matter of priority on a standard reporting format and reporting intervals. Annual reporting would represent an appropriate interval. This would also be consistent with action 20, which notes that States should submit regular reports.

- Consistent with the commitment under action 5 (g) of the 2010 action plan to further enhance transparency and increase mutual confidence, nuclear-weapon States should commit themselves to annually submitting accurate, complete and comprehensive reports on their nuclear arsenals, weapons-grade highly enriched uranium and plutonium stockpiles and production histories, in addition to material irreversibly removed from nuclear weapons programmes, in conformity with all articles of the Treaty, especially articles I and II.

- Beyond the requisite actions and reports set out in the 2010 action plan, nuclear-weapon States are encouraged to take additional measures aimed at instilling confidence in the implementation of their nuclear disarmament obligations under article VI. In addition, all States that are part of military alliances that include the nuclear-weapon States should report, as a significant transparency and confidence-building measure, on steps taken or future steps planned to reduce and eliminate the role of nuclear weapons in collective security doctrines.